

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on February 19, 2001 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused:

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Cecile Tropila, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 489, SB 485, SB 488, SB 487, 2/15/2001
Executive Action: SB 417, SB 416, SB 452, SB 489, SB 17, SB 487, SB 485
SB 488

HEARING ON SB 489

Sponsor: SEN. LORENTS GROSFIELD, SD 13, BIG TIMBER

Proponents: Norma Jean Boles, Health Services Manager Dept. of Corrections

Jerry Lendorf, Montana Medical Association

Opponents: None

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, BIG TIMBER, explained SB 489 dealt with fourth and subsequent D.U.I.s. He reminded the committee fourth offense D.U.I.s became a felony from the 1995 legislature. He expressed the need to work with language in the bill pertaining to treatment of these offenders and how costly it has become. This bill does not change the felony status of this crime, but changes the way fourth offense D.U.I.s are dealt with. He said some offenders go without treatment due to inadequate staffing or if an offender, from the time of offense to the state prison, receives credit for sentence served and there would be no time for treatment allowed.

He stated the staffing for these treatments was inadequate due to the number of staff available. He said six months was the time period of treatment and it would be intensive. He explained the new program for treatment offering six to ten hours a day every day for six months. He said there would be enough high security risk offenders that would go through this program adding the cost savings to be substantial. He described the fiscal note and explained that after this biennium the savings would be \$3.2 million per year.

Proponents' Testimony:

Norma Jean Boles, Health Services Manager, Dept. of Corrections, handed out a testimony **EXHIBIT(jus41a01)**.

Jerry Lendorf, Montana Medical Association, supports SB 489 and indicated the need for treatment to the offenders.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. RIC HOLDEN wondered about the savings and its impact. **Norma Jean Boles** explained treatment is not as expensive as secure custody. She felt this treatment would impact the population growth that was occurring within the Department of Corrections.

SEN. HOLDEN asked if these offenders would be locked up. **Norma Jean Boles** answered yes.

SEN. HOLDEN felt the treatment would not work. **Norma Jean Boles** said within this population, most studies recommend six months and traditionally the offenders receive 28 days to six weeks of treatment in most of the programs.

SEN. HOLDEN asked if this program would cost the state money rather than save the state money. **Norma Jean Boles** said the national research indicates for this population to be impacted. **Becky Buska, Budget Analyst, Department of Corrections,** said this bill would reduce the program in the residential phase and that would be the overall cost savings. She explained a reduced cost per day due to not being in a secured facility versus a treatment program.

SEN. MIKE HALLIGAN asked how they handled an offender, if the offender becomes uncooperative. **Norma Jean Boles** said those offenders who become uncooperative would serve hard prison time.

SEN. HALLIGAN asked if that would be internal procedures. **Norma Jean Boles** answered yes, they intend to develop sanctions.

SEN. MIKE HALLIGAN asked if the national literature indicated when the offender would begin to move out of the disease stage. **Norma Jean Boles** said they have not developed performance indicators for treatment as they have in the sex offender program. She said most of the changes for an offender would be motivation, ownership and the desire to change their behaviors to deal with the disease process.

SEN. DUANE GRIMES asked what has changed in treatment protocols and are other states using therapy models. **Norma Jean Boles** said other states have used the cognitive restructuring model with more success than traditional models. She said the development of this facility would allow treatment for a longer period of time and pointed out the change in protocol from years past.

{Tape 1; Side B}

SEN. GRIMES asked if this treatment is something the Department of Corrections has wanted to do or was it because there were no other options. **Norma Jean Boles** said they researched the trends and believed this model would assist offenders in need of treatment.

SEN. GRIMES asked if there was unanimity of thought from the counselors and professional community in the department that this was not an experiment, but a legitimate attempt. **Norma Jean Boles** said national studies have been focused on corrections and she felt this was a unique model.

SEN. JERRY O'NEIL asked if they were proposing consistent reduction rates for offenders. **Norma Jean Boles** answered yes.

SEN. O'NEIL asked if reduction compares to people, who go to prison programs rather than people going to substance abuse programs. **Norma Jean Boles** said substance abuse treatment is common to this program and they chose alcohol treatment.

SEN. O'NEIL asked what type of reduction rates can be expected. **Norma Jean Boles** said the statistics, from previous programs, showed significant reductions. She did not have the exact rate numbers available.

SEN. STEVE DOHERTY asked what they would do with the ten time offender. **Norma Jean Boles** said the 10th D.U.I. offender would go through this program. She explained the tracking of the offender would be for a longer period of time.

SEN. DOHERTY asked, if through statistics, they were convicting the same offender or new offenders. **Jeff Roskey, Statistics Bureau Chief, Department of Corrections**, explained from 1996 to 2000, under 1,100 offenders were convicted with a fourth time subsequent D.U.I. and 18% were convicted multiple times.

SEN. DOHERTY asked if the treatment was more effective with the first time offender or the fifth, fourth-time D.U.I. offender. **Norma Jean Boles** did not have an answer.

SEN. AL BISHOP referred to the fiscal note and asked how much time is actually spent in incarceration. **Jeff Roskey** said the average would be 13.8 months. He said he would search into that further and bring it forward to the committee.

Closing by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, BIG TIMBER, pointed out this bill introduces a new approach and he reassured this was a felony offense. He explained the definitions of the offense as a felony and pointed out that a tenth offense D.U.I. states six to 13 months. He said the goal of this bill was to get away from the subsequent offenders and have them attend the treatment program to reduce the rate of offenders. He discussed the cost savings and how professionals would work one-on-one with the offenders providing security, but not having security guards around the building. There would be four to six professionals per 140 residents and there would be no need for high security, but it would be a secure facility. The effective date would begin January 21, 2002, which would allow time to establish the facility and time for finishing details with the treatment

program. He believed this program would be very aggressive and he urged the committee to support this bill.

HEARING ON SB 485

Sponsor: SEN. JON ELLINGSON, SD 33, MISSOULA

Proponents: NONE

Opponents: Susan Witte, Blue Cross and Blue Shield of MT.
Don Allen, Montana Benefits and Life

Opening Statement by Sponsor:

SEN. JON ELLINGSON, SD 33, MISSOULA, handed out a letter **EXHIBIT(jus41a02)** and a copy of a statement explaining a person's benefits **EXHIBIT(jus41a03)**. He explained the letter and addressed the concern of how confidentiality is not secure through a statement of benefits. He felt this breach of confidentiality can become serious in particular circumstances. He discussed the medical rights of patients and how they were being violated through typical Explanation of Benefits Statements (EOB). Patients do not waive privacy rights to the people who become the subscriber.

Proponents' Testimony: None

Opponents' Testimony:

Susan Witte, Blue Cross and Blue Shield of MT., pointed out the problems pertaining to this bill and the administrative burden they believed would be placed on the healthcare industry. She mentioned SB 465, which is a rewrite of Montana's Insurance Privacy Protection Code. She addressed an example that adult children, 18 years of age or older, must notify the insurer that they could be harmed by disclosure of the explanation of benefits to the parent or primary subscriber and must provide an alternate address for the explanation of benefits.

Don Allen, Montana Benefits and Life, felt concerned about the administrative burden this bill would impose. He didn't see a need for this bill and asked for a do not pass.

Questions from Committee Members and Responses:

SEN. HOLDEN asked what the codes and services on the explanation of benefits statement were. SEN. ELLINGSON could not explain the codes, but referred to an 800# at the bottom of the statement to call and receive that information.

SEN. DOHERTY asked if SB 465 presents the same administrative burden. **Susan Witte** said SB 465 was created through a four month task force, which has a June 1st compliance date and SB 488 is combined into that same date. She said separation of the explanation of benefits by June 1st is a tight crunch.

SEN. DOHERTY asked if SB 488 could be amended to include a deadline that would be complimentary to SB 465 in hopes of reducing the burden. **Susan Witte** thought an extended effective date on SB 488 would allow the insurance industry time to implement.

Closing by Sponsor:

SEN. JON ELLINGSON, SD 33, MISSOULA, summarized the bill and discussed the differences between SB 488 and SB 465. He pointed out there was a violation of Montana's privacy law when an EOB was mailed out to an adult other than the subscriber. He said this bill asks the insurance companies to protect those rights with respect to the EOB. He pointed out a violation was occurring each time an explanation of benefits is mailed out and has a potential of causing serious damage to the privacy rights of some of our individuals.

HEARING ON SB 488

Sponsor: **SEN. JON ELLINGSON, SD 33, MISSOULA**

Proponents: **Al Smith, Montana Trial Lawyers Association**
Sammy Butler, Executive Director MT Nurses Assoc.

Opponents: **Susan Witte, Blue Cross Blue Shield of MT**
Don Allen, Montana Benefits and Life

Opening Statement by Sponsor:

SEN. JON ELLINGSON, SD 33, MISSOULA, explained an incident of a patient's rights regarding medical privacy and how the notice was sent to this patient's father instead of the patient since both parties had the same medical insurance. He went on to explain how this became a family interaction and caused humiliation and discomfort to know the information was sent to the wrong party involved and prior to the time the patient gave notice to the family of the medical procedures involved. He said this bill sets a minimum amount that must be awarded in the event of a violation of medical privacy, which would be \$500.

Proponents' Testimony:

Al Smith, Montana Trial Lawyers Association, pointed out the approach with the minimum damage set at \$500, which may assist the insurance agencies to be careful in regard to patients' policies and privacy rights.

Sammy Butler, Executive Director MT Nurses Assoc., said this bill is consistent with advocating patients' rights of privacy and the Montana Nurses Association strongly urges the committee's support of this bill.

Opponents' Testimony:

Susan Witte, Blue Cross Blue Shield of MT, said this bill broadens potential violations of an insurer or a healthcare provider dealing with medical records. She mentioned SB 465 and how SB 488 effects the penalties of medical records privacy. She said the current protections should be kept as they are.

Don Allen, Montana Benefits and Life, pointed out administrative changes and felt there shouldn't be new approaches on how to handle these situations. He said this bill adds a new approach that is not needed and he felt the current system is protecting patient's rights.

Questions from Committee Members and Responses:

SEN. DOHERTY asked about administrative procedures within Sections 2 and 3. **SEN. ELLINGSON** said current law does provide for a remedy that this bill is asking to expand.

SEN. DOHERTY asked how to address the concerns involved with administrative procedures opposed to the courts. **SEN. ELLINGSON** said the courts are equipped to evaluate the types of damages that ought to be awarded of a patients' fundamental rights.

SEN. DOHERTY stated that Sections 2 and 3 appear to be current law allowing actions to be brought forward in a court of law as opposed to administrative proceedings. He asked how this bill could add another layer of something that is not already there. **Susan Witte** pointed out within SB 465 these remedies are being debated and deal with administrative penalties and SB 488 would effect that issue.

{Tape 2; Side B}

SEN. DOHERTY asked if SB 465 provides minimum penalties in addition to administrative penalties of up to \$25,000. **Susan Witte** didn't think so and added under Montana's Right to Privacy Law, patients can sue.

SEN. DOHERTY asked if any of these rights have minimum penalties. **Susan Witte** said she did not know.

SEN. O'NEIL asked if it would be fair for the laws to include a minimum penalty for malpractice cases. **Al Smith** answered yes, there should be a minimum.

SEN. GRIMES asked if there are elements of SB 465 that Blue Cross and Blue Shield are supporting. **Susan Witte** said yes, they support it very strongly.

Closing by Sponsor:

SEN. JON ELLINGSON, SD 33, MISSOULA, summarized the bill and said it does not effect SB 465, it provides a minimum penalty to require the insurance industry to take greater notice of patients' rights.

HEARING ON SB 487

Sponsor: **SEN. MIKE HALLIGAN, SD 34, MISSOULA**

Proponents: **John Connor, Montana County Attorneys Assoc.**
 Ann Gilkey, Court Assessment Program

Opponents: **None**

Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, SD 34, MISSOULA, said this bill focuses on children who appear in court and are asked questions of abuse and he explained how hearsay was used in these types of court cases. He pointed out guidelines for courts to use with children relating to violence, abuse and other crimes, which would address if the child would be unavailable to be a witness. He said the court needs to look at the reliability and credibility of the potentially offered hearsay testimony and see if it fits into the categories that would allow the court to recognize due process rights. Children in these cases do not accurately provide the correct information and hearsay statements are then needed.

Proponents' Testimony:

John Connor, Montana County Attorneys Assoc., pointed out a case that dealt with issues of hearsay of the victims involved. He said this bill allows protection of hearsay statements and the use of having a child testify if they are capable of doing so.

Ann Gilkey, Court Assessment Program, handed out information on child abuse and hearsay **EXHIBIT(jus41a04)**. She said the availability or unavailability of a child is relevant in a court case. She felt these testimonies need to be allowed in a court case for the discovery of truth. She said the rules of evidence were written for adults by adults and over the years there has been struggle with child witnesses and hearsay, but children remember details differently than adults do.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HOLDEN asked what safeguards were in this bill to protect the parents in cases where there may be over-exaggeration. **John Connor** said the bill contains protections and doesn't allow a prosecution on the basis of a child's representation that an incident occurred.

SEN. HOLDEN felt if this legislation would pass it would be in conflict with an earlier precedent where it would not be allowable for hearsay. He asked what the thoughts were on cross examination. **John Connor** said this bill doesn't allow anymore than what current law allows in these types of situations. He said it doesn't allow child hearsay, but allows the court to decide whether or not the hearsay statement should come into evidence and offers procedural protections to the defendant.

SEN. O'NEIL asked if this committee would have the authority to pass rules of evidence. **John Connor** believed it did.

{Tape 3; Side A}

SEN. O'NEIL asked if it would effect the law if professionals interviewing the child had an audio or video recording of the interview. **John Connor** said it would be a good idea to record interviews with children, but it depends on the trauma exposed to the child.

SEN. O'NEIL asked how they would know if there was suggestive information without an audio or video taping of the interview. **John Connor** said by interviewing the witnesses prior to the trial, the court will look at that and be able to determine the hearsay evidence of a child.

SEN. O'NEIL asked if there was any law that if a professional was taping the child's statements, would they have to prove that it was audio or video taped. **John Connor** said children may be too young to be interviewed in some of these cases. He added it

depends on what the availability is in each area regarding the professionals involved or the equipment and he didn't feel it was a good idea to try and specify certain approaches that need to be taken.

SEN. GRIMES asked about the video taping and how it would effect the child's statements. **Ann Gilkey** mentioned the difficulty with interviewing these children. She said children are afraid to admit to the truth for further abuse from a family member and they get nervous talking into a microphone. She explained details of an incident and how this could become more traumatizing for the child. She said all court systems may not have the access of professionals and equipment to mandate this without doing more harm than good.

SEN. GRIMES asked if the committee would be inadvertently restricting the use of hearsay evidence and does the passage of this bill preclude using it where it may already be used. **SEN. HALLIGAN** didn't think so and explained this bill should allow to follow guidelines dealing with criminal proceedings.

Closing by Sponsor:

SEN. MIKE HALLIGAN, SD 34, MISSOULA, summarized by saying this bill was not allowing hearsay evidence to be used, it was allowing the court to take a look at the issues and use the guidelines. The court would have to weigh testimony to see if it ought to be excluded or used because the child may have testified inaccurately.

EXECUTIVE ACTION ON SB 417

Discussion:

SEN. GRIMES asked **SEN. O'NEIL** for his vote on this action, due to a tie roll call vote from a previous executive action date where **SEN. O'NEIL** was absent.

SEN. O'NEIL said there should be a more reclusive bill regarding parents' rights over a child and he cast his vote as yes.

Motion: **SEN. DOHERTY** motioned to reconsider voting on this bill.

SEN. GRIMES explained the work he put into this bill and said this restricts it to a narrow issue due to both political and constitutional reasons.

SEN. HOLDEN said they had discussed this issue at length.

Vote: 5-4 roll call vote to reconsider bill or pass to Senate floor with **SEN. HOLDEN, SEN. O'NEIL, SEN. GRIMES, CHAIRMAN GROSFIELD** voting no.

Motion: **SEN. DOHERTY** moved **SB 417 BE TABLED.**

Discussion:

SEN. HOLDEN felt this issue was already worked on and he asked members of this committee to not postpone this bill.

SEN. HALLIGAN said this bill would do nothing to deal with the relationship of parents and their children. He said they should look at the social structure and how to enhance working with parents and children to communicate better.

SEN. GRIMES agreed there were communications difficulties between parents and children, but he believed these children need more than counseling from a planned parenthood clinic.

SEN. O'NEIL felt the right of privacy in the Constitution had been interpreted.

SEN. HOLDEN couldn't understand how parents receive calls from the doctor regarding to a minor injury of a child, but yet there should be a cloud of secrecy if the child was having a major surgery such as an abortion. He said the communication between family members was already broken in both of these types of cases.

SEN. DOHERTY said no surgical procedure should be added to the Montana Constitution and felt this bill was an amendment to the constitution. He said it creates internal inconsistencies and that is why he made the motion to postpone.

Vote: Motion carried 5-4 with **SEN. HOLDEN, SEN. O'NEIL, SEN. GRIMES** and **CHAIRMAN GROSFIELD** voting no.

{Tape 3; Side B}

EXECUTIVE ACTION ON SB 416

Motion: **SEN. GRIMES** moved **SB 416 TO ADOPT Sections 7 & 8 only.**

Discussion:

Valencia Lane, Legislative Staff, explained these sections of the bill and how to amend further without striking certain sections.

SEN. DOHERTY asked how these sections would effect the contingency voidance. **SEN. GRIMES** said if there was no constitutional amendment then there would be no contingent voidance.

SEN. GRIMES explained the percentages of young women, who cross state lines to get an abortion without having to notify their parents. He felt we should honor other state laws and constitutions by adding this bill to Montana's books.

Vote: Motion **SB 416 TO ADOPT** Sections 7 & 8 **carried unanimously.**

Motion: **SEN. GRIMES** moved **SB 416 DO PASS AS AMENDED.**

Discussion: None

Vote: Motion failed 4-5 with **SEN. HOLDEN, SEN. O'NEIL, SEN. GRIMES** and **CHAIRMAN GROSFIELD** voting yes.

Motion/Vote: **SEN. HALLIGAN** moved **SB 416 POSTPONE INDEFINITELY** reversing the roll call vote **motion carried.**

EXECUTIVE ACTION ON SB 452

Discussion:

SEN. HALLIGAN mentioned a letter contacting Pine Hills and said the evidence shown from the video was not true of times pepper spray was used at the school. He explained where pepper spray was kept and how the corrections officers were to assess the situation.

Motion/Vote: **SEN. HOLDEN** moved **SB 452 BE TABLED carried 5-4** with **SEN. DOHERTY, SEN. MCNUTT, SEN. PEASE** and **SEN. GRIMES** voting no.

EXECUTIVE ACTION ON SB 489

Motion: **SEN. MCNUTT** moved **SB 489 DO PASS.**

Substitute Motion: **SEN. O'NEIL** made a substitute motion **SB 489 BE AMENDED.**

Discussion:

SEN. O'NEIL added this bill should include not only fourth offense D.U.I.s, but all higher accounts as well. He explained the prison time involved with each offense.

SEN. GRIMES said the fiscal impact would be great due to the prison time involved. **SEN. O'NEIL** explained this is a detriment to D.U.I. offenses and the offenders are getting two chances to straighten up their acts plus only 15-20% had subsequent D.U.I.s by going through these treatments.

Vote: Substitute Motion failed 7-1 with **SEN. O'NEIL** voting yes.

Discussion:

SEN. HOLDEN asked about the responsibility of the offender. **Dave Ohler, Attorney, Department of Corrections**, said page 13 explained the offenders responsibility.

SEN. HOLDEN asked for clarification if the judge set a dollar amount. **Dave Ohler** said the probation and parole officer would inquire into the financial abilities of the offender.

SEN. HOLDEN asked how they would phase out this program if it was a bust. **Dave Ohler** said if the program didn't work then possibly an amendment could be added.

SEN. GRIMES asked if by paying would impoverish the family left behind while the offender goes off to jail and if language in this bill should be amended. **Valencia Lane** said the court would take into consideration the factors of families with less financial abilities.

Vote: Motion SB 489 DO PASS carried with **SEN. DOHERTY** and **SEN. BISHOP** voting no.

EXECUTIVE ACTION ON SB 17

Motion: **SEN. O'NEIL** moved SB 17 DO PASS AS AMENDED. Amendments were handed out during second reading from Senate Floor debate and referred back to committee. **EXHIBIT(jus41a05)**.

Discussion:

SEN. O'NEIL explained the amendments.

SEN. HALLIGAN mentioned his bill and the abandoned baby issue and the framework of the bill. He asked if the amendments leave in

the reckless disregard of the parents. **SEN. O'NEIL** answered no, that was taken out.

{Tape 4; Side A}

SEN. O'NEIL explained more of the bill and how the amendments assist the criteria involved.

SEN. GRIMES wondered if there was overlap from existing language with this new language being added.

Vote: Motion **SB 17 BE AMENDED** carried 5-3 with **SEN. DOHERTY**, **SEN. HALLIGAN** and **SEN. PEASE** voting no.

Motion/Vote: **SEN. O'NEIL** moved **SB 17 DO PASS AS AMENDED**. Motion carried 5-3 with **SEN. DOHERTY**, **SEN. HALLIGAN** and **SEN. PEASE** voting no.

EXECUTIVE ACTION ON SB 487

Motion: **SEN. HALLIGAN** moved **SB 487 BE AMENDED**. Amendments were handed out **EXHIBIT(jus41a06)**.

Discussion:

Valencia Lane pointed to line 29, page one and suggested new language of the word "is" changed to "may be" and she went on to explain other language changes.

SEN. HALLIGAN said it adds the advance notice and the hearing by the individual as the defendant.

Vote: Motion **SB 487 BE AMENDED** carried unanimously.

Substitute Motion: **SEN. O'NEIL** made a substitute motion **SB 487 BE AMENDED** to insert language on page three.

Discussion:

SEN. O'NEIL explained inserting language to deal with audio or video taping of testimonies. **Valencia Lane** asked for clarification of language. **SEN. O'NEIL** said the new language would clarify the bill and allow testimonies to be taped for the defendant.

SEN. GRIMES asked if this was intended to be inclusive. **SEN. O'NEIL** said yes, he had intended it to be inclusive and to only apply to professional interviewers, not through hearsay.

SEN. GRIMES thought this language would be exclusive only to professionals. **Valencia Lane** added another approach for the language being added.

SEN. WALT MCNUTT said children, who have been traumatized, testifying through audio or video taping may add to the trauma inflicted. He didn't feel this language should be added because it may add harm to the children involved.

SEN. HALLIGAN said this treats children differently than adults dealing with hearsay statements.

SEN. O'NEIL talked about the professionals who interview the children.

Vote: Substitute motion failed 4-5 with **SEN. O'NEIL**, **SEN. BISHOP**, **SEN. HOLDEN** and **SEN. GRIMES** voting yes.

Motion: **SEN. HALLIGAN** moved **SB 487 DO PASS AS AMENDED**.

Discussion:

SEN. HOLDEN felt this bill would be challenging without video or audio evidence. **SEN. O'NEIL** felt there was a need for taping evidence for the courts to make adequate decisions. He mentioned cases he had worked with regarding this type of evidence used.

SEN. HALLIGAN explained these points would open the floodgates for more proceedings to take place. He felt this amendment adds structure to the bill and allows judges to make decisions.

Vote: Motion carried 8-1 with **SEN. O'NEIL** voting no.

EXECUTIVE ACTION ON SB 485

Motion: **SEN. DOHERTY** moved **SB 485 BE AMENDED**. Amendments were handed out **EXHIBIT(jus41a07)**.

Discussion: None

Vote: Motion carried unanimously.

Discussion:

SEN. HOLDEN felt this issue was being discussed on a more comprehensive bill and parents should know what is being paid for.

Motion/Vote: **SEN. HOLDEN** moved **SB 485 BE TABLED**. Motion carried 5-4 roll call vote with **SEN. DOHERTY**, **SEN. HALLIGAN**, **SEN. PEASE** and **CHAIRMAN GROSFIELD** voting no.

EXECUTIVE ACTION ON SB 488

Motion: **SEN. HOLDEN** moved **SB 488 BE AMENDED**. Amendments were handed out **EXHIBIT(jus41a08)**.

Discussion:

SEN. HOLDEN said this amendment deals with equal protection.

{Tape 4; Side B}

SEN. DOHERTY said this is a constitutional right and didn't feel the amendment was needed.

SEN. O'NEIL mentioned a similar method plan that had been enacted by the Supreme Court.

Vote: Motion failed 5-4, roll call vote with **SEN. DOHERTY**, **SEN. HALLIGAN**, **SEN. O'NEIL** and **SEN. PEASE** voting no.

Motion: **SEN. DOHERTY** moved **SB 488 DO PASS**.

Motion/Vote: **SEN. HOLDEN** moved **SB 488 BE TABLED**. Motion carried 5-4, roll call vote with **SEN. DOHERTY**, **SEN. HALLIGAN**, **SEN. O'NEIL** and **SEN. PEASE** voting no.

ADJOURNMENT

Adjournment: 12:15 P.M.

SEN. LORENTS GROSFIELD, Chairman

CECILE TROPILA, Secretary

LG/CT

EXHIBIT (jus41aad)